

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

UNITED STATES OF AMERICA

v.

BRETT JANES,

Defendant.

Case No. 1:23-CR-140

STATEMENT OF FACTS

The United States and the defendant, BRETT JANES (hereinafter, "the defendant"), agree that at trial, the United States would have proven beyond a reasonable doubt and with admissible and credible evidence that, between or about January 1, 2023 and on or about February 20, 2023, within the Eastern District of Virginia, the defendant used a means or facility of interstate or foreign commerce to knowingly employ, use, persuade, induce, entice, and coerce a minor, MINOR VICTIM 1, to engage in sexually explicit conduct, as defined in 18 U.S.C. § 2256(1) & (2), for the purpose of producing a visual depiction of such conduct. The United States and the defendant further agree that at trial, the United States would have proven beyond a reasonable doubt and with admissible and credible evidence that, between on or about March 19, 2023 and continuing through on or about May 27, 2023, within the Eastern District of Virginia, the defendant received a visual depiction of a minor engaging in sexually explicit conduct, as defined in 18 U.S.C. § 2256(1) & (2), from a means or facility of interstate or foreign commerce.

The United States and the defendant further agree that at trial, the United States would have proven the following facts beyond a reasonable doubt with admissible and credible evidence:

A. The Defendant's Production with MINOR VICTIM 1

1. Between or about January 1, 2023 and on or about February 20, 2023, within the Eastern District of Virginia, the defendant spoke with MV1, a 13-year-old, over Discord, a live-streaming and social media platform that utilizes the internet. The defendant used an account with the username “Revision#3409.” They initially met while playing the online game Valorant. Valorant is a team-based, multiplayer, first-person tactical shooter video game played on personal computer or mobile device. During this period, MV1 and the defendant began sending messages to one another, including speaking using a voice chat function in Discord. The defendant eventually requested to play “strip Valorant” with MV1. This was a game in which the defendant and MV1 would play Valorant, and the loser of the game would have to remove an article of clothing in view of one another on a video chat function in Discord. During this game, the defendant enticed MV1 to remove his clothing on the live-video feature of Discord. He employed threats of suicide, various money payments through CashApp, and flattery until both MV1 and the defendant were completely unclothed. Eventually, both the defendant and MV1 masturbated while on video chat.

2. The defendant knew that MV1 was under the age of eighteen. He also is the sole owner of the Discord account with the username “Revision#3409.”

B. The Defendant’s Production with MINOR VICTIM 3

3. On or about April 13, 2023, within the Eastern District of Virginia, the defendant spoke with MV3, a 12-year-old, over Discord, a live-streaming and social media platform that utilizes the internet. The defendant used an account with the username “Revision#3409.” He engaged in a sexually explicit conversation with MV3, enticed the minor with flattery, and asked to see MV3 “jerk off.” MV3 then sent a video to the defendant over Discord of himself

masturbating by moving his hand up and down on his erect penis. The defendant knew that MV3 was under the age of eighteen.

C. The Defendant's Attempted Enticement of MINOR VICTIM 2

4. Between on or about April 13, 2023 and on or about April 18, 2023, within the Eastern District of Virginia, the defendant spoke with an individual over Discord, a live-streaming and social media platform that utilizes the internet. The individual sent a photo of what he stated was himself and it depicted what appeared to be a minor boy with no identifiable facial hair. The individual, MV2, stated over Discord that he couldn't send videos at times because "moms home rn" and stated that he was homeschooled. After MV2 sent the photo of himself and stated this, the defendant asked, "Can I get a dick pic tho." When the minor expressed hesitation, the defendant added "Please." Additionally, he asked MV2, "im feeling in the mood today wanna come and jerk off with me" and "can i see u cum."

5. After the defendant asked for a photo of the minor's penis, MV2 sent an image of his exposed penis to the defendant. His face is not visible, and he is wearing a gray shirt with red lettering and what appeared to be the same black pants as the photograph provided to the defendant previously of MV2's face. The defendant knew that MV2 was under the age of eighteen.

D. The Defendant's Receipt of Child Pornography

6. The defendant received child sexual abuse images over Discord, Snapchat, and Telegram between on or about March 19, 2023 and on or about May 27, 2023. Discord, Snapchat, and Telegram are all social media platforms that utilize the internet.

7. The defendant received two files of child sexual abuse material from MV2 on April 14, 2023 over Discord. He received an image of MV2's exposed anus. A pink sex toy was

penetrating his anus. He also received an image of MV2's exposed penis. His face is not visible, and he is wearing a gray shirt with red lettering and what appeared to be the same black pants as the photograph of MV2's face provided to the defendant previously.

8. On April 13, 2023, the defendant received a video of MV3 masturbating over Discord.

9. The defendant received nine videos of MV4 over Snapchat on March 19, 2023. The videos depict a pubescent male with an erect penis at various states of masturbation, including ejaculation. Seven of the nine videos depict a blanket with a print on the bed that is consistent with bed sheets used by minor children.

10. The defendant received an image from MV5 over Snapchat on or about April 4, 2023. The image depicted MV5, a pre-pubescent male, displaying his erect uncircumcised penis. The male is seated on a bed, and his anus is also depicted in the picture. No pubic hair is present near or around the individual's penis or buttocks.

11. The defendant received child pornography from Telegram between on or about May 23, 2023 and May 30, 2023 on his iPhone 11 Pro Max (G6TD31BHN70H). During this time, the defendant communicated with an individual to buy packages of child pornography. Within the conversation, the defendant asks another individual for "links." The defendant referenced previously purchasing from this individual in the conversation. The defendant then sent payment information to this individual and he received at least six MEGA links. Four of the links were still active and contained hundreds of videos and images of child pornography. At least three dozen videos and images of child sexual abuse material were also directly uploaded to the Telegram chat. One image depicts a pre-pubescent boy being penetrated from behind by an adult male's penis.

12. The defendant received all the images and videos of child pornography found on his seized devices from the internet.

13. The defendant is aware that additional suspected child pornography was found within his social media accounts and investigation into these suspected victims is ongoing.

14. This statement of facts includes those facts necessary to support the plea agreement between the defendant and the United States. It does not include each and every fact known to the defendant or to the United States, and it is not intended to be a full enumeration of all of the facts surrounding the defendant's case.

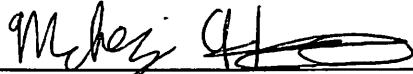
15. The actions of the defendant, as recounted above, were in all respects knowing and deliberate, and were not committed by mistake, accident, or other innocent reason.

Respectfully submitted,

Jessica D. Aber
United States Attorney

Date:

By:


McKenzie Hightower
Special Assistant United States Attorney (LT)
Laura Withers
Assistant United States Attorney

After consulting with my attorney and pursuant to the plea agreement entered into this day between the defendant, BRETT JANES, and the United States, I hereby stipulate that the above Statement of Facts is true and accurate, and that had the matter proceeded to trial, the United States would have proved the same beyond a reasonable doubt.


BRETT JANES 11/1/23

I am Ann Rigby, defendant's attorney. I have carefully reviewed the above Statement of Facts with him. To my knowledge, his decision to stipulate to these facts is an informed and voluntary one.


Ann Rigby, Esq.
Attorney for BRETT JANES